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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,109	12/10/2001	Shoji Takeda	1232-4797	3930

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MORGAN & FINNEGAN, L.L.P.
3 WORLD FINANCIAL CENTER
NEW YORK, NY 10281-2101

EXAMINER

LEE, TOMMY D

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/014,109	Applicant(s) TAKEDA ET AL.	
	Examiner Thomas D. Lee	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) 1-10,23-32 and 45-49 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-22,33-44 and 50-54 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/1/04, 2/22/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 1-10, 23-32 and 45-49 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on March 9, 2006.
2. Applicant's election with traverse of Species II in the reply filed on March 9, 2006 is acknowledged. The traversal is on the ground(s) that (1) all species of claims are properly presented in the same application; (2) undue diverse searching should not be required; and (3) all claims should be examined together. This is not found persuasive because (1) that the species are presented in the same application is not a valid argument for traversing an election requirement (If this were a valid argument, then no application could be subject to restriction or election of species.); (2) the two species are clearly patentably distinct, requiring the search of two distinct methods of detecting presence or absence of dust or dirt on a platen (one based on the number of times of reading the original convey member and image data stored in memory, and the other based on a determined threshold value and image data output from the image sensor); and (3) no compelling reason is set forth by applicant as to why all claims should be examined together.

The requirement is still deemed proper and is therefore made FINAL.

Allowable Subject Matter

3. Claims 11-22, 33-44 and 50-54 are allowed.

4. The following is a statement of reasons for the indication of allowable subject matter: No prior art has been found to disclose or suggest, in combination, reading a predetermined position a plurality of number of times without placing any original on an original table while driving an original convey member of a document feeder; determining a threshold value on the basis of a number of times of reading and image data accumulated for each pixel image data of the original convey member read the plurality of number of times; and detecting a presence/absence and position of dust and/or dirt on the original table on the basis of the threshold value and image data output from the image sensor without placing any original on the original table, as recited in base claims 11, 33 and 50. The closest prior art (U.S. Patent 6,750,990 (Ohashi)) discloses an imaging scanning system that is similar to applicant's invention in that the original convey member is read a number of times without the presence of an original, and that the presence/absence of dust and/or dirt is determined on the basis of the multiple readings of the original convey member. However, Ohashi does not disclose the determination of a threshold value based on the number of times of reading and the accumulated value of image data for each pixel image data of the original convey member read the plurality of number of times. No other prior art has been found to resolve this deficiency.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,292,269 (Kawai) discloses an image reading apparatus capable of detecting foreign particle interference with an image reading operation, wherein a peak

value detector detects a smallest data among data included on a reference white image, and the smallest data is compared with a reference value.

U.S. Patent 6,522,431 (Pitts et al.) discloses movement of a scan line viewed by a photosensitive chip a small distance within the window of a document handler, so that any spot of dirt on the window will not be repeatedly exposed by the photosensitive chip.

U.S. Patent 6,728,418 (Kumagai et al.) discloses selection of a threshold value in correspondence with a mode type, and comparison of image data with the threshold value so as to prevent generation of a black or white streak caused by the presence of dust at the readout position.

U.S. Patent 6,801,670 (Kijima et al.) discloses shading correction of image data by providing a defect correction coefficient for correcting shading correction data at a defect position on a white reference plate.

U.S. Patent 6,822,767 (Kawano et al.) discloses an image processing method, wherein edge emphasis processing is varied according to whether a fixed original reading or a shifting original reading is employed, so as to reduce the influence of dirt.

U.S. Patent 6,995,878 (Fukuzawa) discloses reading an original being moved, above a scan flow glass member, so that dust or dirt on the glass member goes out of focus.

Conclusion

6. This application is in condition for allowance except for the following formal matters:

Claims 1-10, 23-32 and 45-49 are directed to an invention non-elected with traverse. Applicant must cancel the noted claims or take other appropriate action (37 CFR 1.144). Failure to take action will be treated as authorization to cancel the noted claims by Examiner's Amendment and pass the case to issue. Extensions of time under 37 CFR 1.136(a) will not be permitted since this application will be passed to issue.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas D. Lee whose telephone number is (571) 272-7436. The examiner can normally be reached on Monday-Friday, 7:30-5:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas D Lee
Primary Examiner
Technology Division 2625

tdl
May 11, 2006